

**ENTERED**

May 22, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**JOHN RAY BENAVIDES,  
Plaintiff,

v.

HARLINGEN POLICE DEPARTMENT  
AND STEVEN BENITEZ,  
Defendants.§  
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Civil Action No. 1:24-cv-00179

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's "Report and Recommendation to Grant Sua Sponte Dismissal" (Dkt. No. 25) ("R&R"). The R&R recommends that the Court (1) dismiss Plaintiff's "Prisoners Civil Rights Complaint" (Dkt. No. 1) ("Complaint") and "Complaint for Violation of Civil Rights" (Dkt. No. 18) ("Amended Complaint") sua sponte for failure to state a claim; and (2) dismiss Plaintiff's pending motions (Dkt. Nos. 13, 14 & 17) as moot. Dkt. No. 25.

Objections to the R&R were due May 12, 2025. No objections were filed. If there have been no objections to the magistrate's ruling, the Court reviews the magistrate judge's conclusions for clear error. *See Guillory v. PPG Indus.*, 434 F.3d 303, 308 (5th Cir. 2005).

Finding no clear error, abuse of discretion, or finding contrary to law, the R&R (Dkt. No. 25) is **ADOPTED**. Plaintiff's Complaint (Dkt. No. 1) and Amended Complaint (Dkt. No. 18) are **DISMISSED** without prejudice. Plaintiff's pending motions (Dkt. Nos. 13, 14, & 17) are **DISMISSED** as moot. The Clerk of the Court is hereby **ORDERED** to close this case.

Signed on this 22<sup>nd</sup> day of May, 2025.

  
 Rolando Olvera  
 United States District Judge